IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 22ND MARCH 2007 / 1ST CHAITHRA 1929

WP(C).No. 21163 of 2004(T)

PETITIONER:

A.SELVAN, S/O.SHANNANDY GOWDER,
NO.585/1/IV, PACHAIKILI FARM, THINKALKADU,
KARIMALAI KARA, UDUMBANCHOLA, IDUKKI DISTRICT.

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
SECRETARY, HOME AFFAIRS, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE SUPERINTENDENT OF POLICE,
IDUKKI.

3. THE SUB INSPECTOR OF POLICE,
SANTHANPARA.

BY G.P. SMT.BINDU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF WRITTEN STATEMENT FILED IN O.S. NO.33/93 OF THE MUNSIFF'S COURT, DEVIKULAM.

P2: TRUE COPY OF THE COMMISSION REPORT FILED IN O.S. NO.304/94 OF THE SUB COURT, KATTAPPANA.

P3: TRUE COPY OF THE DECREE IN O.S. NO.304/94 OF THE SUB COURT, KATTAPPANA.

P4: TRUE COPY OF THE DECREE IN O.S. NO.231/95 OF THE SUB COURT, KATTAPPANA.

P5: TRUE COPY OF THE DIRECTION ISSUED BY THE SUB COURT, KATTAPPANA IN E.A. NO.49/97 IN E.P. NO.16/97 DT.5.8.97.

P6: TRUE COPY OF PETITION DT.27.1.2003 BEFORE R3.

P7: TRUE COPY OF COMPLAINT DT.30.1.2003 BY THE PETITIONER BEFORE R3.

P8: TRUE COPY OF THE MASS PETITION DT.28.1.2003 BEFORE R3.

P9: TRUE COPY OF THE COMPLAINT DT.30.4.2003 BEFORE R3 BY THE PETITIONER.

P10: TRUE COPY OF THE COMPLAINT BY THE PETITIONER BEFORE R3.

P11: TRUE COPY OF THE JUDGMENT IN W.P.(C) NO.27467/2003.

P12: TRUE COPY OF THE COMPLAINT FILED BY PETITIONER BEFORE R3.

P13: .DO. .DO.

P14: TRUE COPY OF NOTICE RECEIVED BY PETITIONER.

TRUE COPY

P.S. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.21163 of 2004

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Dated this the 22nd day of March, 2007.

JUDGMENT

The petitioner was in civil suit with his ex-wife and her husband and others. Even though allegation is of theft, I feel the matter has to be settled only through civil court which is the authority to enforce it's orders. If petitioner has a case that civil court orders are not honoured by the other side, civil court has the full authority under CPC to enforce it's orders. There is no scope for this court to interfere in the form of direction to the Police to take action against parties in the civil suit, more so, when such parties are not made respondents in this W.P. The W.P. is accordingly closed leaving freedom to the petitioner to approach the civil court for appropriate remedy.

C.N.RAMACHANDRAN NAIR
Judge

pms